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**UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY.**

WASHINGTON, D. C.

**REGULATION 29, RELATING TO MARKING THE QUANTITY
OF FOOD IN PACKAGE FORM, AS AMENDED BY FOOD
INSPECTION DECISIONS 154, 157, 163, AND 168.**

Under section 3 of the Food and Drugs Act of June 30, 1906 (34 United States Statutes at Large, pages 768 to 772), as amended by the act of March 3, 1913, entitled "An act to amend section eight of an act entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,' approved June thirtieth, nineteen hundred and six" (37 United States Statutes at Large, page 732), Regulation 29 of the Rules and Regulations for the Enforcement of the Food and Drugs Act has been amended by Food Inspection Decisions 154, 157, 163, and 168, so as to read as follows:

REGULATION 29.

Statement of Weight, Measure, or Count.

(Section 8, paragraph 3, under "Food," as amended by act of March 3, 1913.)

(a) Except as otherwise provided by this regulation, the quantity of the contents, in all cases of food, if in package form, must be plainly and conspicuously marked, in terms of weight, measure, or numerical count, on the outside of the covering or container usually delivered to consumers.¹

(b) The quantity of the contents so marked shall be the amount of food in the package.¹

(c) The statement of the quantity of the contents shall be plain and conspicuous, shall not be a part of or obscured by any legend or

¹ Food Inspection Decision 154, approved May 11, 1914.

design, and shall be so placed and in such characters as to be readily seen and clearly legible when the size of the package and the circumstances under which it is ordinarily examined by purchasers or consumers are taken into consideration.¹

(d) If the quantity of the contents be stated by weight or measure, it shall be marked in terms of the largest unit contained in the package, except that, in the case of an article with respect to which there exists a definite trade custom for marking the quantity of the article in terms of fractional parts of larger units, it may be so marked in accordance with the custom. Common fractions shall be reduced to their lowest terms; decimal fractions shall be preceded by zero and shall be carried out to not more than two places.²

(e) Statements of weight shall be in terms of avoirdupois pounds and ounces; statements of liquid measure shall be in terms of the United States gallon of 231 cubic inches and its customary subdivisions, i. e., in gallons, quarts, pints, or fluid ounces, and shall express the volume of the liquid at 68° F. (20° C.); and statements of dry measure shall be in terms of the United States standard bushel of 2,150.42 cubic inches and its customary subdivisions, i. e., in bushels, pecks, quarts, or pints, or, in the case of articles in barrels, in terms of the United States standard barrel and its lawful subdivisions, i. e., third, half, or three-quarters barrel, as fixed by the act of March 4, 1915 (38 United States Statutes at Large, page 1186): *Provided*, That statements of quantity may be in terms of metric weight or measure. Statements of metric weight should be in terms of kilograms or grams. Statements of metric measure should be in terms of liters or centiliters. Other terms of metric weight or measure may be used if it appears that a definite trade custom exists for marking articles with such other terms and the articles are marked in accordance with the custom.³

(f) The quantity of solids shall be stated in terms of weight and of liquids in terms of measure, except that in case of an article in respect to which there exists a definite trade custom otherwise, the statement may be in terms of weight or measure in accordance with such custom. The quantity of viscous or semisolid foods, or of mixtures of solids and liquids, may be stated either by weight or measure, but the statement shall be definite and shall indicate whether the quantity is expressed in terms of weight or measure, as, for example, "weight 12 oz.," or "12 oz. avoirdupois;" "volume 12 ounces," or "12 fluid ounces."¹

(g) The quantity of the contents shall be stated in terms of weight or measure unless the package be marked by numerical count and

¹ Food Inspection Decision 154, approved May 11, 1914.

² Food Inspection Decision 163, approved January 5, 1916.

³ Food Inspection Decision 168, approved September 1, 1916.

such numerical count gives accurate information as to the quantity of the food in the package.¹

(*h*) The quantity of the contents may be stated in terms of minimum weight, minimum measure, or minimum count, for example, "minimum weight 10 oz.," "minimum volume 1 gallon," or "not less than 4 oz.;" but in such case the statement must approximate the actual quantity and there shall be no tolerance below the stated minimum.²

(*i*) The following tolerances and variations from the quantity of the contents marked on the package shall be allowed:

(1) Discrepancies due exclusively to errors in weighing, measuring, or counting which occur in packing conducted in compliance with good commercial practice.

(2) Discrepancies due exclusively to differences in the capacity of bottles and similar containers resulting solely from unavoidable difficulties in manufacturing such bottles or containers so as to be of uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of bottles or similar containers which, because of their design, can not be made of approximate uniform capacity than is allowed in case of bottles or similar containers which can be manufactured so as to be of approximate uniform capacity.

(3) Discrepancies in weight or measure, due exclusively to differences in atmospheric conditions in various places, and which unavoidably result from the ordinary and customary exposure of the packages to evaporation or to the absorption of water.

Discrepancies under classes (1) and (2) of this paragraph shall be as often above as below the marked quantity. The reasonableness of discrepancies under class (3) of this paragraph will be determined on the facts in each case.¹

(*j*) A package containing two avoirdupois ounces of food or less is "small" and shall be exempt from marking in terms of weight.¹

(*k*) A package containing one fluid ounce of food or less is "small" and shall be exempt from marking in terms of measure.¹

(*l*) When a package is not required by paragraph (*g*) to be marked in terms of either weight or measure, and the units of food therein are six or less, it shall, for the purpose of this regulation, be deemed "small" and shall be exempt from marking in terms of numerical count.¹

¹ Food Inspection Decision 154, approved May 11, 1914.

² Food Inspection Decision 157, approved July 25, 1914.

